

**DECLARATION AND POWER OF ATTORNEY**  
(Continuation-In-Part Application)

As a below named inventor, I declare that:

1. The information given herein is true, and I believe that I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

**ANHYDROUS TOPICAL SKIN PREPARATIONS**

which is described and claimed in:

the specification in application  
Serial No. 09/562,376,  
Filed: May 1, 2000  
(for declaration not accompanying application);

2. This application in part discloses and claims new subject matter as well as subject matter disclosed in my earlier-filed application(s)

Serial No. 09/205,474  
Filed: December 4, 1998  
For: ANHYDROUS TOPICAL SKIN PREPARATIONS

3. I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 C.F.R. §1.56, including such material information which occurred between the filing date of said earlier application and the filing date of this application.

4. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein.

5. As to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal

representatives or assigns more than twelve months prior to said earlier application. As to the subject matter of this application which is common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed as to the common subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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6. As to the new subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application. As to the new subject matter of the present application which is not common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below.. All applications for patent or inventor's certificate on this

invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed for the new subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
US	09/205,474	12/4/98

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR  
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Audley A. Ciamporcero, Jr. (#26,051), Steven P. Berman (#24,772), Andrea L. Colby (#30,194), Michael Stark (#32,495), Michael Q. Tatlow (#20,501), Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Harold E. Wurst #22,183, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714, Martin E. Goldstein #20,869, Bert J. Lewen #19,407, Henry Sternberg #22,408, Robert A. Green #28,301, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Jay P. Lessler #41,151,

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

DARBY & DARBY P.C.  
805 Third Avenue  
New York, NY 10022

DIRECT TELEPHONE CALLS TO:

Jay P. Lessler  
212-527-7700

IDENTIFICATION OF INVENTOR 1

LAST NAME: BURNETT FIRST NAME: Katherine MIDDLE NAME: M.

CITY: Basking Ridge STATE OR FOREIGN COUNTRY: New Jersey COUNTRY OF CITIZENSHIP: U.S.

POST OFFICE ADDRESS: 77 Haas Road CITY: Basking Ridge STATE OR COUNTRY: New Jersey ZIP CODE: 07920

IDENTIFICATION OF INVENTOR 2

LAST NAME: KURTZ FIRST NAME: Ellen MIDDLE NAME: S.

CITY: Ringoes STATE OR FOREIGN COUNTRY: New Jersey COUNTRY OF CITIZENSHIP: U.S.

POST OFFICE ADDRESS: 7 Stark Court CITY: Ringoes STATE OR COUNTRY: New Jersey ZIP CODE: 08551

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1: Katherine M. Burnett DATED: 8/23/00

SIGNATURE OF INVENTOR 2: Ellen S. Kurtz DATED: 8/24/00

(D&D Forms/PTO-22)

REV. 12/87-6/89

FROM J&J

Fax:7325245889

Nov 25 2003 14:06 P.03  
(TUE) 11.25'03 12:41/ST. 12:39/NO. 3560278977 P 2/3

PATENT  
Attorney Docket 054824-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Katherine M. Kurtz et al. )  
Application No. 09/562,376 ) Group Art Unit: 1617  
Filed: May 1, 2000 ) Examiner: Lauren Wells  
For: Anhydrous topical skin preparations )

REVOCATION OF POWER OF ATTORNEY & GRANT OF NEW POWER OF ATTORNEY

Assignee hereby revokes the previous Power of Attorney in the application serial number shown above to Darby and Derby and hereby grants their power of attorney to the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

Customer Number: 009629

Please direct all telephone inquiries to:

Robert Snyth, Ph.D.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-5870

J&J  
FROM

Fax:7325245889

Nov 25 2003 14:06 P.04  
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Attorney Docket 054824-5001  
Application 09/562,376  
Page 2

**CERTIFICATE UNDER 37 C.F.R. 3.73(b)**

Johnson and Johnson Consumer Companies Inc., a corporation located in New Brunswick, New Jersey, certifies that it is the assignee of the entire right, title and interest in the patent application identified above. An assignment to Johnson and Johnson Consumer Companies Inc. from the inventors of the patent application identified above was recorded on May 15, 2001 on Reel 011569 at Frame 0591. To the best of the undersigned's knowledge and belief, title is in the assignee as identified above. The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Johnson and Johnson Consumer Companies Inc.

Signature

William McGaw  
Print Name

Assistant Secretary  
Print Title

November 25, 2003  
Date